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|---------------------------------------------------------------------------------------------|------------------------|---------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/643,526          |
|                                                                                             | Filing Date            | August 19, 2003     |
|                                                                                             | First Named Inventor   | Brian M. Wilk       |
|                                                                                             | Art Unit               | 3712                |
|                                                                                             | Examiner Name          | Vishu K. Mendiratta |
|                                                                                             | Attorney Docket Number | 27087/39520         |

**ENCLOSURES (Check all that apply)**

|                                                                                 |                                                                                            |                                                                                                             |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Drawing(s)                                                        | <input type="checkbox"/> After Allowance Communication to Group                                             |
| <input type="checkbox"/> Fee Attached                                           | <input type="checkbox"/> Licensing-related Papers                                          | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                         |
| <input checked="" type="checkbox"/> Amendment/Reply                             | <input type="checkbox"/> Petition                                                          | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                  |
| <input type="checkbox"/> After Final                                            | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Proprietary Information                                                            |
| <input type="checkbox"/> Affidavits/declaration(s)                              | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input type="checkbox"/> Status Letter                                                                      |
| <input type="checkbox"/> Extension of Time Request                              | <input type="checkbox"/> Terminal Disclaimer                                               | <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br>(Should be specifically itemized) |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Request for Refund                                                | <input type="checkbox"/> Other Enclosure(s) (please identify below):                                        |
| <input type="checkbox"/> Information Disclosure Statement                       | <input type="checkbox"/> CD, Number of CD(s) _____                                         |                                                                                                             |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 |                                                                                            |                                                                                                             |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   |                                                                                            |                                                                                                             |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |                                                                                            |                                                                                                             |
| <b>Remarks</b>                                                                  |                                                                                            |                                                                                                             |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |                                                               |
|-------------------------|---------------------------------------------------------------|
| Firm or Individual name | MARSHALL, GERSTEIN & BORUN LLP<br>Scott E. Baxendale - 41,605 |
| Signature               |                                                               |
| Date                    | December 23, 2004                                             |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 23, 2004

Signature: (Scott E. Baxendale)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 23, 2004

Signature: Scott E. Baxendale  
(Scott E. Baxendale)

Docket No.: 27087/39520  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Wilk, et al

Application No.: 10/643,526

Group Art Unit: 3712

Filed: August 19, 2003

Examiner: Mendiratta, Vishu K.

For: ACTION FIGURE GAME PIECE AND  
METHOD OF PLAYING ACTION FIGURE  
GAME

**AMENDMENT IN RESPONSE TO SEPTEMBER 28, 2004 OFFICE ACTION**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is being submitted in response to the Office action dated September 28, 2004. This response is timely filed within the period of response. Applicants respectfully request reconsideration of the application in view of the following amendments and remarks.

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 12 of this paper.